

### **REMARKS**

Claims 1 – 60 are currently pending in this application. Claims 47 – 49, 54 – 55 and 57 – 58 have been rejected and claims 1 – 46, 50 – 53, 56 and 59 – 60 have been withdrawn from consideration. Applicants have not abandoned the withdrawn subject matter and reserve the right to file one or more divisional applications directed to the withdrawn subject matter.

Claims 47, 48, 54 and 57 have been amended and new claims 61 – 63 have been added to more particularly recite the claimed subject matter. Support for the amendments and new claims appears in original claims 47 – 49, 54 – 55 and 57 – 58, and appears throughout the specification as filed, for example, at paragraphs [00160], [00205] and [00206]. Claims 1 – 46, 49 – 53, 55 – 56 and 58 – 60 have been canceled.

None of these amendments adds any new matter.

### **Information Disclosure Statement**

The Examiner's consideration of the Supplemental Information Disclosure Statements filed on January 14, 2005 and July 21, 2006 is acknowledged with appreciation. The Examiner's consideration of the initialed references on the Information Disclosure Statement filed on January 7, 2005 is also acknowledged, however, the Examiner's attention is drawn to **six references that are not initialed** on pages 15 and 16 of this IDS. It is respectfully requested that the Examiner make these references of record by reviewing the references, and initialing and returning a copy of the Form PTO-SB/08B with the next Patent Office communication.

### **Rejections Under 35 U.S.C. § 112**

Claims 47 – 49, 54 – 55, and 57 – 58 stand rejected under 35 U.S.C. § 112, second paragraph, because, according to the Examiner, the claims are “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention” and “vague and indefinite for reciting the term HAUSP as the sole means of identifying the claimed molecule.” According to the Examiner, claims 47, 54 and 57 are also rejected “as being incomplete for omitting essential steps, such omission amounting to a gap

between steps;" the alleged omitted steps are "a determining step which relates back to the preamble recited in the method."

In reply, Applicants traverse the rejection. To more particularly point out and distinctly claim the invention, Applicants have amended claims 47, 48, 54 and 57, added new claims 61 – 63, and canceled claims 49, 55 and 58. Support for amended claims 47, 48, 54 and 57 can be found in original claims 47, 48, 54 and 57, and throughout the specification, for example, at paragraph [0048], [00159] and [00160]. Support for new claims 61 – 63 can be found in original claims 49, 55 and 58, and throughout the specification, for example, at paragraphs [00160], [00205] and [00206]. Applicants submit that the present claims satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Claim 49 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that "claim 49 is inclusive of a genus of antagonists" and that "the instant specification fails to provide sufficient descriptive information, such as definitive structural or functional features that are common to the genus."

In reply, claim 49 has been canceled without prejudice, and Applicants submit that the present claims satisfy the requirements of 35 U.S.C. § 112, first paragraph.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C § 112.

### **CONCLUSION**

Applicants respectfully request that the Examiner enter the present amendment, consider the foregoing remarks, and allow the pending claims to issue. If the Examiner believes that a telephone interview would help expedite the successful prosecution of the claims, the undersigned would be grateful for the opportunity to discuss any outstanding issues.

Please charge Deposit Account No. 08-0219 in the amount of \$225.00 covering the fee set forth in 37 C.F.R. § 1.17(a)(2). The Director is hereby authorized to charge any fees


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due, or credit any overpayment, to Deposit Account No. 08-0219 under order number 19240-431 US1.

Respectfully submitted,

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